First Nations Water Rights in British Columbia

A Historical Summary of the rights of the Halfway River First Nation

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WATER MANAGEMENT BRANCH

FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:

A Historical Summary of the rights of the Halfway River First Nation

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Prepared for publication:	February, 2001

101-03919/

National Library of Canada Cataloguing in Publication Data
Lee, Elizabeth.
First Nations water rights in British Columbia. A historical summary of the rights of the Halfway River First Nation

ISBN 0-7726-4454-3

1. Water rights - British Columbia - Halfway River Indian Reserve No. 168. 2. Tsattine Indians - British Columbia - Fort St. John Region - Government relations. I. Robinson, Gary W. II. JOL Consulting (Firm) III. British Columbia. Water Management Branch. IV. Title. V. Title: Historical summary of the rights of the Halfway River First Nation.

KEB529.5.W3L433 2001 346.71104'32 C2001-960017-8
KF8210.W38L433 2001

ACKNOWLEDGMENTS

The Ministry of Environment, Lands and Parks wishes to acknowledge three partners whose contributions were invaluable in the completion of the *Aboriginal Water Rights Report Series:*

The Ministry of Aboriginal Affairs, was a critical source of funding, support and direction for this project.

The U-Vic Geography Co-op Program, was instrumental in providing the staffing resources needed to undertake this challenging task. Through the services of June Whitmore and her office, the project benefited from the research, writing, editing and co-ordination of these outstanding students:

Jas Gill
Julie Steinhauer
Kelly Babcock
Daniella Mogus
Miranda Griffith
Christina Rocha
Rachel Abrams
Elizabeth Lee
Sara Cheevers

The services of Clover Point Cartographics Limited of Victoria, was responsible for the preparation of most of the map drawings, which form a valuable part of these documents.

In addition to these three key partners, I must acknowledge the valuable contributions of other Water Management staff, past and present, including Jack Farrell, Jim Mattison, Richard Penner, Diana Jolly, Greg Blaney, Gary Lucas and Kim Johnston.

The sheer numbers of First Nations groups' with histories of water rights made the completion of the Report Series seem, at times, prolonged. The determination, patience and vision of the partners was essential in the completion of the Series and is gratefully acknowledged.

Gary Robinson
Project Manager
Water Management Branch

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4 COPY OF SUMMARY OF WATER PROTECTION RECORDS FOR FIRST NATIONS.

5 MAPS: Halfway River Reserve #168
- one 1:50,000 map and one 1:250,000 map

FIRST NATIONS WATER RIGHTS REPORT

BAND: Halfway River Band

ADDRESS: P.O. Box 59, Wonowon, BC, V0C 2N0

CHIEF: Chief Bernie Metecheah

PHONE: 787-4451

AFFILIATION: North Coast Tribal Council, Tsimshian Tribal Council

LOCATION:

The Halfway River Reserve #168 total 3,989 hectares and is located north of Fort St. John.

The most recent population figures from the Ministry of Finance indicate that the Halfway River Band's total population, including registered and non-registered members living on and off-reserve, is 188.

The reserves of the Halfway River Band are characterized by the Boreal White and Black Spruce Biogeoclimatic Zone. This reserve lies at an elevation ranging from 100 feet to 600 feet above mean sea level, and experiences climate ranging from an average daily temperature of -20 degrees centigrade in January, to less than 16 degrees centigrade in July. The average annual rainfall for this area is 30-50 centimeters.

WATER ALLOCATIONS:

There are no records of any allocations made by the Indian Reserve Commission, Order in Council of the Lieutenant Governor in Council, nor any Orders of the Board of Investigation. However, the water rights of the Band have been recorded or affected by two actions of government over the years:

The water rights of the rights of the Halfway River Band have been recorded or affected by one action of government over the years:

1) Granting of water licences from Federal Government application for licences for the use of water on reserves.

Water courses of significance include:

- Band Spring, which flows on the west side of Halfway River Reserve #168.

- School Spring, which flows within Halfway River Reserve #168, northwest of Band Spring.

HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights, and notes for the Halfway River Band with respect to Band Spring and School Spring are as follows:

Band Spring and School Spring:

History:

Oct 1, 1968 In accordance with an application made by the Superintendent General of Indian Affairs on behalf of the Halfway River Band, the Comptroller of Water Rights issued Conditional Water Licence 33693. This licence has a precedence date of October 25, 1967 and authorizes the diversion of 5,000 gallons of water a day from School Spring and 3,000 gallons of water a day from Band Spring, throughout the year for domestic purpose. The land to which this licence is appurtenant is Halfway River Reserve No. 168.

Jun 26, 1973 In accordance with an application made by the Deputy Comptroller of Water Rights, on behalf of the Superintendent General of Indian Affairs and the Halfway River Band, the Comptroller of Water Rights granted an extension of time, to December 31, 1975 for completion of works associated with Conditional Licence 33693.

Current Status:

There is currently one active licence on Band Spring and one active licence on School Spring, both of which are held by the Halfway River Band. These licences:

- authorize the use of 8,000 gallons of water a day for domestic purpose.

Water Survey of Canada has no records of streamflow on Band Spring and School Spring and there is no other current information on water availability.

Notes:

1. Under current licensing practices Conditional Water Licence 33693 would be issued for domestic and waterworks purpose. The amendment of this licence to waterworks purpose could lead to designation of the Band Spring and School Spring drainage area as a Community Watershed under the Forest Practices Code.

OTHER INFORMATION:

Groundwater Records:

Review of records of the Groundwater Section found no evidence of wells located on Halfway River Reserve #168. However, the provision of this groundwater information is voluntary and, therefore, cannot be assumed to be complete.

Water Protection Records:

The Water Protection Section has records of bank improvement work along 0.1 kilometers of Halfway River, along Halfway River #168. Records of dyke measurements are non-applicable. The dykes and banks protection are maintained by the Halfway River Band.

Summary of Water Rights Records

Halfway River Band

Water Source	Priortity Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
School Spring, Band Spring	10/25/67	Halfway River #168	27760	CL 33693	Current		8,000 GAD/Domestic	Purpose: Under current licencing practices purpose would be categorized "Waterworks"; ammendments as such would qualify the Band and School Spring drainage area for designation as "Community Watershed" under provisions contained in the FPC.

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA

WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

ORDER

WATER ACT

Section 15

File No. 0277260

The provisions of the B. C. Water Act having been complied with and being satisfied that no person's rights will be affected, I hereby extend the time for the completion of the works and for making beneficial use of the water authorized under Conditional Water Licence No. 33693 , - School Spring and Band Spring

to the 31st day of December, 1975.

A. K. Sutherland

Deputy Comptroller of Water Rights.

DATED at Victoria, B. C.,

this 26th day of June , 1973.

W.R.B. 42

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

**Superintendent General of Indian Affairs,
Department of Indian Affairs and Northern Development,
(Fort St. John Agency) of OTTAWA, Ontario**

is/are hereby authorized to **divert and use** water as follows:—

(*a*) The source(s) of the water-supply is/are **School Spring and Band Spring**

(*b*) The point(s) of **diversion** is/are located as shown on the attached plan.

(*c*) The date from which this licence shall have precedence is **25th October, 1967.**

(*d*) The purpose for which the water is to be used is **domestic.**

(*e*) The maximum quantity of water which may be **diverted from School Spring is 5,000 gallons a day and from Band Spring is 3,000 gallons a day,**

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(*f*) The period of the year during which the water may be **used is the whole year.**

(*g*) The land upon which the water is to be used and to which this licence is appurtenant is **Halfway River Indian Reserve No. 168, Peace River District.**

(*h*) The works authorized to be constructed are **pumps and pipe,**

and they shall be located approximately as shown on the attached plan.

(*i*) The construction of the said works **has been commenced, and shall be completed and the water beneficially used on or before the 31st day of December, 1971.**

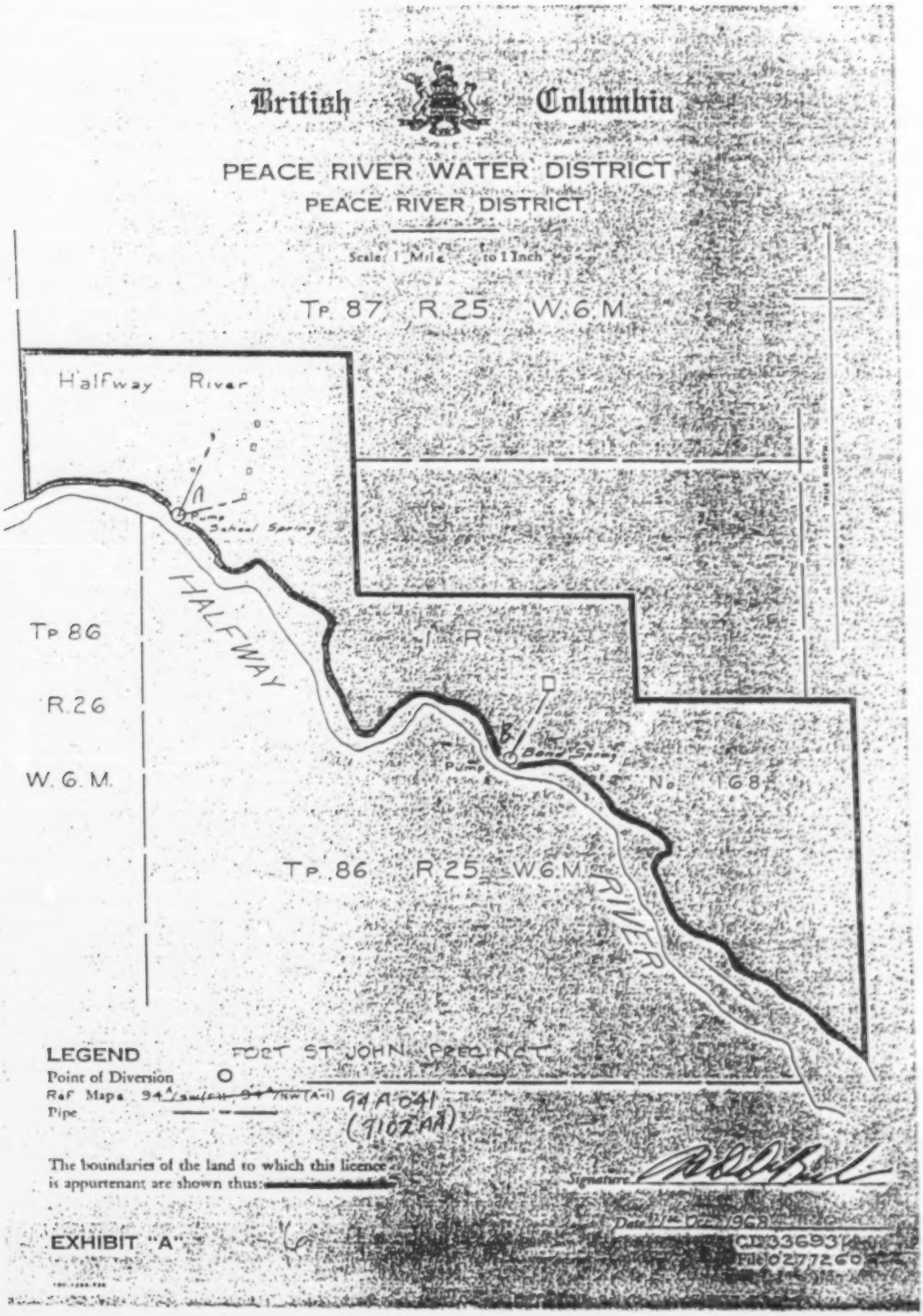
H. D. DeBeck,
Comptroller of Water Rights.

File No. **0277260** Date issued: **1 October 1968** Conditional Licence No. **33693**

ENTERED ON 9A/Sk/
Map No. 94A/12W
By

Stream Register Report Water Licence Information System

Report Requested By : ELEE
Date Report Requested : 1996/10/17 14:06
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : FD36658 - 94.A.041 B
END POINT : 803385 - Sand Spring left of Halfway River


British Columbia
PEACE RIVER WATER DISTRICT
PEACE RIVER DISTRICT
Scale: 1 Mile to 1 Inch
Tp. 87 R. 25 W. 6 M.
Halfway River
Pump
School Spring
HALFWAY
Tp 86
R. 26
W. 6. M.
Pump
Bend Spring
No. 168
Tp. 86 R. 25 W. 6 M.
RIVER
LEGEND
Point of Diversion
Ref Maps 94A/5 (E-11), 94A/12 (NW1/4-11)
Pipe
FORT ST JOHN PRECINCT
94 A 041
(7102 AA)
The boundaries of the land to which this licence is appurtenant are shown thus:
Signature
Date 11th Dec. 1968
EXHIBIT "A"
CD33693
File 0277260

Stream Register Report

Water Licence Information System

DATE: 1996/10/17
TIME: 14:06
PAGE: 001

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		WR Map	POD	RED POD Comments						Proc
1967/10/25	C033693	0277260	HALFWAY RIVER IR #168 PEACE RIVER DIST	HALFWAY RIVER INDIAN BAND 975-546-6956 BOX 59 MONOMON BC V0C2N0	DOM	8,000.00 GD	Jan 01	Dec 31	3,000 GAD FROM BAND SPR 5,000 GAD FROM SCHOOL SPR	
Band Spring		WR94.A.041	B	N						22B PEA - FORT ST JOHN
School Spring		WR94.A.041	A	N						

---------- Total of 1 Licence Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : ELEE
Date Report Requested : 1996/10/17 14:03
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : PD36657 - 94.A.041 A
END POINT : S02384 - School Spring left of Halfway River

Stream Register Report

Water Licence Information System

DATE: 1998/10/17
TIME: 14:03
PAGE: 001

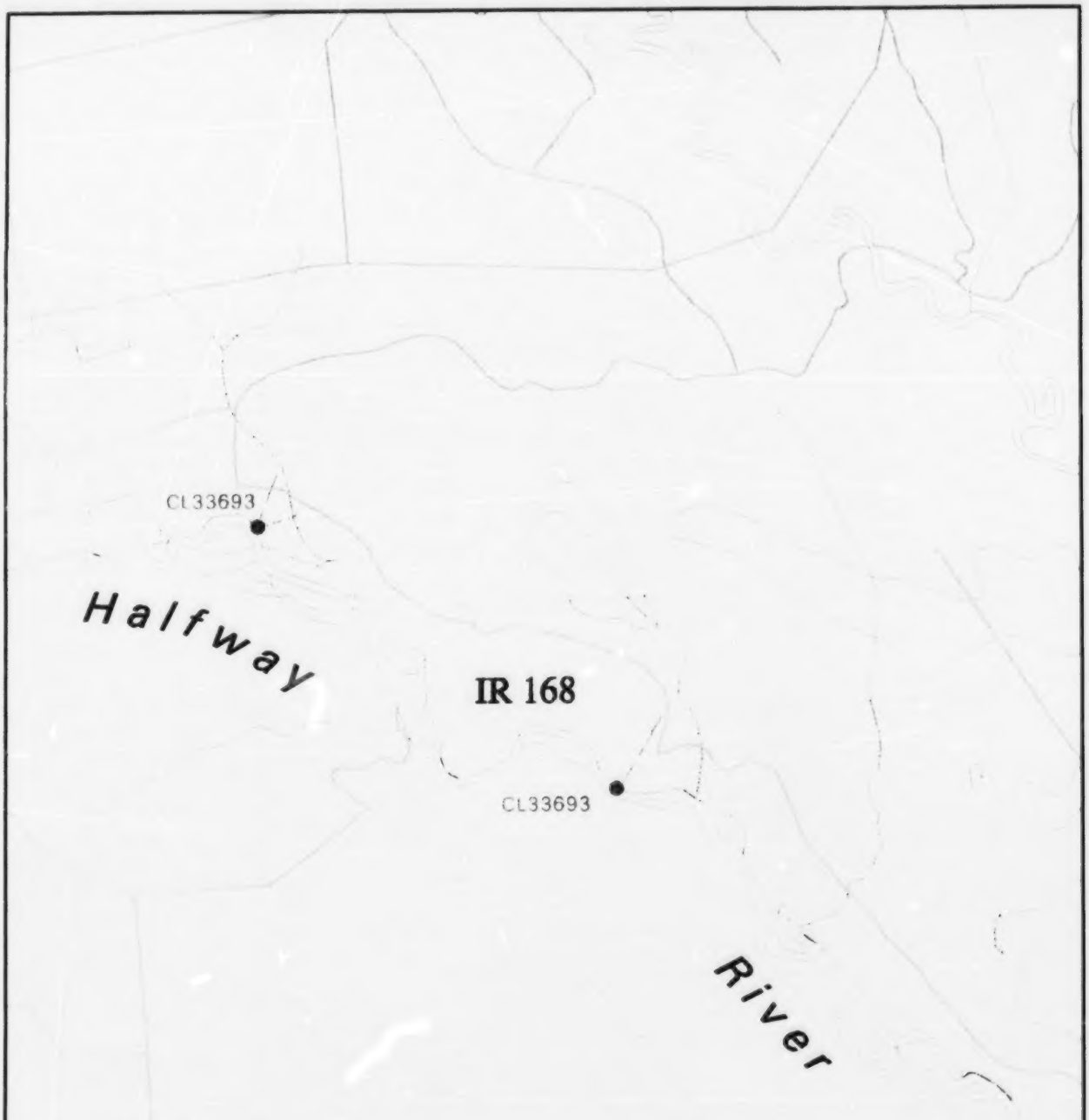
Priority YYYY/MM/DD	Licence File Number	Appurtenancy Number	Licensee	POD	RED POD Comments	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		MR Map								Proc	
1967/10/25	C033693	0277260	HALFWAY RIVER IR 0168 PEACE RIVER DIST			DOM	8,000.00 GD	Jan 01	Dec 31	3,000 GAD FROM BAND SPR 5,000 GAD FROM SCHOOL SPR	
			HALFWAY RIVER INDIAN BAND 975-546-6956 BOX 59 [illegible] V0C2H0								
School Spring		MR94.A.041		A	N					228 PEA - FORT ST JOHN	
Band Spring		MR94.A.041		B	N						

---------- Total of 1 Licence Reported ----------

A REF. NO.	B RESERVE NAME & NO.	C BAND NAME	D WATER BODY	E TYPE OF WORKS	F LENGTH DYKE (KM)	G LENGTH R.P. (KM)	H CROWN WIDTH (M)	I APPROX. WATER SLOPE	J PROT'D. AREA (HA)	K DATE LAST CONST'D.	L CONST. FUNDED BY	M INSPECTED BY	N MAINTAINED BY
1	ASHNOLA 10	LOWER SIMILKAMEEN	SIMILKAMEEN R.	DYKE & R.P.	0.40	1.20	?	?	60	1986	ARDSA	I.of D.	BAND
2	ATEYUCKS 15	SQUAMISH	SQUAMISH R.	DYKE	0.80	N/A	3.0	2:1	33	1977	B.C./MUN.	I.of D.	SQUAMISH DIST.
3	BARNSTON ISLAND 3	KATZIE	FRASER R.	DYKE	0.87	N/A	3.0	2:1	40.5	1950	FVDB	I.of D.	BRSK. I.D. DIST.
4	BELLA COOLA 1	BELLA COOLA	THOMSEN CR.	DYKE	0.02	0.00	4.0	2:1	?	1986	BAND	?	BAND
5	BELLA COOLA 1	BELLA COOLA	TASTSCHAR CR.	DYKE & R.P.	0.15	0.15	?	?	?	1974	BAND	?	BAND
6	CAPE MUDGE	CAPE MUDGE	SEA	SEAWALL	N/A	?	N/A	?	?	?	?	?	BAND
7	CHAWATHIL	HOPE	FRASER R.	R.P.	N/A	0.50	N/A	?	?	?	CPR	?	CPR
8	CHEAM 1	CHEAM	FRASER R.	DYKE	0.82	0.76	3.0	2.5:1	55.8	1974	FRJP/CEE	I.OF D.	CHILLIWACK DIST.
9	CHEHALIS 5	CHEHALIS	CHEHALIS R.	DYKE	0.44	N/A	4.0	2:1	881	1990	BAND	?	BAND
10	COQUITLAM 2	COQUITLAM	COQUITLAM R.	DYKE	0.90	N/A	?	?	70	?	BAND	?	BAND
11	COYICHAN 1	COYICHAN	COYICHAN/ISSAILIA RS.	DYKE	5.74	N/A	3.0	2:1	150	1985	ARDSA	I.of D.	BAND
12	DEADMAN'S CREEK	SKEETCHESTN	DEADMAN CR.	R.P.	N/A	?	N/A	?	800	1949	BAND	?	BAND
13	EAST SAANICH 2	TSARTOUT	SEA	SEAWALL	N/A	0.40	N/A	1.5:1	?	1985	BAND	?	BAND
14	ESKEBOST 2	ESKEBOST	SHUSWAP R./FISHTOWN CR.	DYKE	?	N/A	?	?	340	?	BAND	?	BAND
15	FORT RUPERT 1	KWAKIUTL	SEA	SEAWALL	N/A	0.01	N/A	1.5:1	340	1974	BAND	?	BAND
16	GITANMAAX 1	GITANMAAX	SKEENA R.	GROYNE	N/A	?	N/A	N/A	?	?	?	?	BAND
17	GORDON RIVER 2	PACHENAHT	SAN JUAN R.	R.P.	N/A	0.30	N/A	2:1	?	1991*	BAND	?	BAND
18	HALFWAY 150	HALFWAY	HALFWAY R.	R.P.	N/A	0.10	N/A	?	?	1991*	BAND	?	BAND
19	KAMLOOPS	KAMLOOPS	SOUTH THOMPSON R.	DYKE	1.37	N/A	?	?	?	1972	B.C.-MUNS.	?	BAND
20	KATZIE 1	OVERYARD	DELANCY	DYKE	?	N/A	?	?	?	1990	BAND	?	BAND
21	KATZIE 1	KATZIE	FRASER R.	DYKE	0.60	N/A	3.0	2.5:1	30.5	1984	FRJP	I.of D.	PITT M'DOWS DIST.
22	KINCOLITH 14	KINCOLITH	HAYS R.	CAUSEWAY	N/A	0.20	4.0	1.5:1	?	1990	BAND	?	BAND
23	KITAMAAT 2	KITAMAAT	YSTAMI R.	DYKE	0.55	N/A	3.5	2:1	10	1986	BAND	?	BAND
24	KITWANGAK 1	GITWANGAK	SKEENA	R.P.	N/A	?	N/A	?	53	?	CNR	?	CNR
25	KITWILLGOOKSILT 7	GITWINKSIHLKW	UNNAMED	CHAN. IMPS	N/A	N/A	N/A	N/A	52	1987	BAND	?	BAND
26	KULKAYU 4	HARTLEY BAY	SEA	SEAWALL	N/A	0.22	N/A	1.5:1	?	1977	BAND	?	BAND
27	LACHKALTSAP 9	LAKALZAP	GREENVILLE CR.	DYKE	1.40	N/A	4.0	1.5:1	800	1990	BAND/BC	?	BAND
28	LAKAHAHMEN 11	LAKAHMEN	MISSION SLOUGH	DYKE	0.99	N/A	?	?	23	1949	FVDB	I.of D.	M.MISSION I.DIST.
29	LOUIS CREEK 4	NORTH THOMPSON	N.THOMPSON/LOUIS CR.	R.P.	N/A	?	N/A	?	0.6	1984	BAND	?	BAND
30	MASSET 1	MASSET	SEA	SEAWALL	N/A	0.22	N/A	VERT.	?	1983	BAND	?	BAND
31	MATSQUI MISN 2	MATSQUI	FRASER R.	DYKE	1.10	N/A	3.0	2.5:1	41.3	1974	FRJP	I.of D.	DIST.OF MATSQUI
32	MCMILLAN ISLAND 10	LANGLEY	FRASER R.	R.P.	N/A	0.40	N/A	?	101	?	BAND	?	BAND
33	MOUNT CURRIE 1,8,8,10	MOUNT CURRIE	BIRKENHEAD	DYKE	0.30	N/A	3.0	2:1	442	PRE-70	?	I.of D.	PEMBERTON D.DIST.
34	MUSQUEAM 2	MUSQUEAM	SEA/M.ARM FRASER R.	DYKE & R.P.	0.55	0.40	?	?	37.3	?	BAND	?	BAND
35	NANAIMO RIVER 3	NANAIMO RIVER	NANAIMO R./SEA	DYKE	2.20	N/A	?	?	92	1934	BAND	?	BAND
36	NEQUATQUE 1	ANDERSON LAKE	GATES R./ANDERSON L.	DYKE	?	N/A	?	?	0	1966	MUNS/BCE	?	?
37	NESKON 3	MOUNT CURRIE	LILLOOET R.	DYKE	0.30	N/A	3.0	2.5:1	235	1987	B.C./B.D.	I.of D.	PEMBERTON D. DIST.
38	NORTH THOMPSON 1	NORTH THOMPSON	NORTH THOMPSON R.	R.P.	N/A	0.60	N/A	?	250	?	BAND	?	BAND
39	PAPEKWATCHIN 4	LAKAHAHMEN	FRASER R.	DYKE	0.83	N/A	3.0	2.5:1	16.4	1980	FRJP	I.of D.	MICOMEN IS.I.DIST.
40	PENTICTON	PENTICTON	OKANAGAN R/SKAHLOK CR.	DYKE	?	N/A	?	?	530	1953	B.C./CAN.	I.of D.	PROVINCE
41	PENTLEDGE 2	COMOX	PENTLEDGE R.	R.P.	N/A	0.75	N/A	1.5:1	?	1972	BAND	?	BAND
42	PETERS 1	PETERS	FRASER	DYKE	0.25	N/A	?	?	525	1988	BAND	?	BAND
43	PETERS 2	PETERS	FRASER R.	R.P.	N/A	1.07	N/A	2:1	40	1988	BAND	?	BAND
44	PINCHIE 2	TL'AZT'EN NATION	STUART L./PINCHI R.	R.P.	N/A	0.10	N/A	2.5:1	20	1988	BAND	?	BAND
45	POST SIMPSON 1	LAX KW'ALAAMS	SEA	CAUSEWAY	N/A	0.13	?	1:1	?	1990	BAND	?	BAND
46	QUALOOT 1	LITTLE SHUSWAP	LITTLE R./ SHUSWAP L.	R.P.	N/A	0.13	N/A	?	?	1975	BAND	?	BAND
47	RUBY CREEK 2	SKAWAHLOOK	RUBY CREEK	DYKE	?	N/A	?	?	1.2	?	BAND	?	BAND
48	SALMON RIVER 1	SPALLUMCHEEN	SALMON R.	R.P.	N/A	0.10	N/A	1.5:1	?	1984	BAND	?	BAND
49	SCOWLITZ 1	SCOWLITZ 1	FRASER R./HARRISON R.	DYKE	2.90	N/A	3.0	2.5:1	23	1972	FRJP	I.of D.	KENT DIST.
50	SEABIRD ISLAND	SEABIRD ISLAND	FRASER R.	R.P.	N/A	1.90	N/A	2:1	166	1970/82	FRJP/BAND	I.of D.	KENT DIST./BAND
51	SEATCHEN 16	SQUAMISH	SQUAMISH R.	DYKE	0.60	N/A	3.0	2.5:1	4	1987	B.C./MUN.	I.of D.	SQUAMISH DIST.
52	SECHELT 2	SECHELT	SEA	R.P.	N/A	0.85	N/A	1.5:1	?	1984	BAND	?	BAND
53	SEYMOUR CREEK 2	SQUAMISH	SEYMOUR CR.	R.P.	N/A	?	N/A	?	?	?	LEASE	?	?
54	SKAWAHLOOK 1	SKAWAHLOOK	FRASER R.	R.P.	N/A	0.12	N/A	?	?	?	?	?	BAND
55	SKWAH 10	LAKAHAHMEN	MISSION SLOUGH	DYKE	2.10	N/A	3.0	2:1	23	1949	FVDB	I.of D.	MICOMEN IS.I.DIST
56	SKWAWSOSHAKEN 1,7,3	LOWER SIMILKAMEEN	SIMILKAMEEN R.	DYKE & R.P.	7.50	1.50	3.0	2:1	1000	1986	ARDSA	I.of D.	BAND
57	SKIDEGATE 1	SKIDEGATE	SEA	R.P.	N/A	0.10	N/A	?	?	1985	BAND	?	BAND
58	SKWAWLECHIN 10	SKWAH	FRASER R.	DYKE	4.20	N/A	3.0	2.5:1	465	1941	FVDB	I.of D.	MICOMEN IS.I.DIST
59	SKWAH 3	SKWAH	FRASER R.	DYKE	2.50	N/A	3.0	2:1	4	1950	FVDB	I.of D.	CHILLIWACK DIST.
60	SKWAY 4,5	SKWAH	FRASER R.	DYKE	0	N/A	0	0	0	1950	FVDB	I.OF D.	?
61	SLOSH 1	SEICHE LAKE	SEICHE R./SEICHE L.	R.P.	N/A	0.05	N/A	1.5-2:1	?	1990	BAND	?	?
62	SOOKANLIE 14	SOOKANLIE	CHILLIWACK R.	DYKE	2.01	N/A	3.7	2:1	?	1990	BAND	?	BAND
63	SPITSCHAILUS 6	ADAMS LAKE	SHUSWAP L./STPHON CR.	DYKE	?	N/A	?	?	?	?	LEASE	?	?
64	TSAWWASSEN	TSAWWASSEN	SEA	DYKE	2.50	N/A	3.0	2.5:1	273	1985	FRJP	I.of D.	CORP. OF DELTA
65	TSEATAH 2	CHILAH	FRASER R.	DYKE & R.P.	2.80	0.70	3.0	2:1	97	1973	FRJP/BAND	I.of D.	KENT DIST./BAND
66	TSEWLOWAUK 4	SEA-SALA-HAKWAI	SEA/ISHKEELATE R.	R.P.	N/A	0.20	N/A	?	?	1971	BAND	?	BAND
67	YAWAWAM 14	SQUAMISH	SQUAMISH R.	DYKE	0	N/A	0	0	0	1977	B.C./MUN.	I.OF D.	SQUAMISH DIST.
68	WHISPERING PINES 4	WHISPERING PINES	NORTH THOMPSON R.	DYKE	?	N/A	?	?	?	PRE-72	PRIV.OWNER	?	?
69	ZAKISCHOLLACH 9	LAKAHAHMEN	MISSION SLOUGH	DYKE	0.70	N/A	3.0	2:1	20	1949	FVDB	I.of D.	MICOMEN IS.I.DIST
				TOTALS	57.65	13.17							

DYKE CATEGORIES: - A - 1:200 yr. Flood + 0.6 M Freeboard
B - 1:200 yr. Flood, no freeboard
C - Less than 1:200 yr. Flood or volume

* -See Column Y COMMENTS



LEGEND

- ● Points of Diversion
- ▲ Dam
- ○ W.S.C. Gauging Sta. & No.
- — - Pipeline
- ▪▪▪▪ Dyke
- CL12345 Water Licence
- CL12346 Cancelled, Abandoned or Superceded Water Licence

HALFWAY RIVER FIRST NATION

Scale: 1 : 80,000

Ministry of Environment, Lands & Parks | Date: April 2000 | Environment & Lands Division